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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MDL No. 3098

IN RE: In RE: 23ANDME, INC. CUSTOMER
DATA SECURITY BREACH LITIGATION

**PLAINTIFFS RICHARD ROE, JOHN
Q. PUBLIC, AND JOHN DOE'S
SUGGESTIONS OF SPECIAL
SETTLEMENT MASTERS**

Judge: Hon. Edward M. Chen
Courtroom: 5, 17th Floor
Date: June 3, 2024 9:00 A.M.

This Document Relates to: ALL ACTIONS

Pursuant to this Court's Pretrial Order No. 1 (ECF No. 11), Plaintiffs Richard Roe, John Q. Public, and Joe Doe hereby respectfully submit, through their attorneys Melissa Gardner and Dorothy Antullis, recommendations concerning candidates for appointment as Special Settlement Master in this litigation. We make these recommendations based upon our research, personal experience, and the input and experience of other Plaintiffs' counsel at one or both of our law firms.

I. SHEILA BIRNBAUM

Ms. Birnbaum is a mediator and arbitrator with Phillips ADR. She joined Phillips ADR following a 45-year accomplished career litigating complex class actions and products liability cases at leading law firms such as Skadden Arps, Quinn Emanuel, and Dechert LLP. During that time, she was also a court-appointed mediator (appointed by Judge Hellerstein (SDNY)) and later Special Master (appointed by then-Attorney General Eric Holder) in claims brought by families of victims of the 2001 World Trade Center terrorist attack. Her biography is detailed further here: <https://phillipsadr.com/our-team/sheila-birnbaum/>. Plaintiffs' counsel have negotiated complex class action and mass tort class actions with Ms. Birnbaum and can attest to her deep knowledge and sophistication, and her ability to find practical solutions, in such cases.

II. FOUAD KURDI

Mr. Kurdi is a mediator with Resolutions LLC who has successfully mediated numerous high-stakes and complex disputes, including many related to the nationwide opioid crisis. Additionally, he brings experience to bear in crafting creative solutions, including where a defendant's ability to pay is an issue, as he has mediated several bankruptcy cases. His biography is detailed here: <https://www.resolutionsllc.com/principals.htm#FKurdi>. Plaintiffs' counsel have mediated complicated disputes before him and can attest to his ability to help resolve disputes.

III. HON. JAY GANDHI (RET.)

Judge Gandhi is a former United States Magistrate Judge for the Central District of California and currently a mediator with JAMS ADR out of its Los Angeles location. As a magistrate judge, he oversaw the Court's Alternative Dispute Resolution program. As a mediator, Judge Gandhi has played an instrumental role in resolving privacy disputes, including the recently

resolved consumer class action settlement against Facebook for its alleged role in allowing third parties, including Cambridge Analytica, to access users' private information. His biography is detailed further here: <https://www.jamsadr.com/gandhi/?tab=bio>. Plaintiffs' counsel have mediated privacy class actions before him and can attest to his ability to help resolve disputes.

IV. JEFFREY L. BLEICH

Mr. Bleich is a Visiting Scholar at Stanford University and the Chair of the Jeff Bleich Centre for Democracy and Disruptive Technologies. He has served as the United States Ambassador to Australia (2009-2013), Special Counsel to President Obama, Special Master for the U.S. District Courts, a court-appointed federal mediator, trial and appellate counsel, a managing partner of two international law firms, and the chair of multiple corporate boards. Mr. Bleich has over three decades of experience in resolving complex domestic and international disputes, including recently in mediating a consumer class action against Facebook for its alleged violations of the Illinois Biometric Information Privacy Act. Plaintiffs' counsel can attest to his skill and expertise in conflict resolution.

V. SUMMARY OF PLAINTIFFS' RECOMMENDATIONS

Each of the four individuals recommended above has confirmed with Plaintiffs' counsel that they are willing and available to serve, if appointed. Each has the qualifications, skill, and expertise to create meaningful opportunities for productive settlement negotiations and to support the Court's management and resolution of this complex, important litigation.

Plaintiffs also would not oppose the continued involvement of mediator Randall Wulff, with whom Plaintiffs' counsel have also had positive experiences resolving class litigation, particularly in light of his familiarity with the parties and the issues here. However, as detailed in Plaintiffs' application for appointment as Co-lead Interim Class Counsel (ECF Nos. 14, 28), Plaintiffs oppose a stay for purposes of settlement discussions. *See* ECF No. 25. There may be an appropriate juncture for the Special Settlement Master to recommend that the parties stay their litigation efforts, but unless and until that time occurs, Plaintiffs believe that the expeditious progress of this litigation, in parallel with any further efforts at settlement, would be serve the interests of the Class.

Dated: May 20, 2024

Respectfully submitted,

s/ Melissa A. Gardner

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ATTESTATION

I, Melissa Gardner, am the ECF user whose identification and password are being used to
file this application. I hereby attest that Dorothy P. Antullis has concurred in this filing.

/s/ Melissa Gardner

Melissa Gardner, Esq.